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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

- - -

UNITED STATES OF AMERICA : CRIMINAL DOCKET FOR CASE
: NO. 2-18-CR-00100-PTB-1
-VS- :
:
MICHAEL ROHANA :

- - -

PHILADELPHIA, PA.
APRIL 3, 2019

BEFORE HONORABLE JUDGE PETRESE B. TUCKER

TRIAL - DAY 3

APPEARANCES:

FOR THE GOVERNMENT: U.S. ATTORNEY'S OFFICE
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1 Q. GOOD MORNING, MR. RONG. COULD YOU TELL THE
2 MEMBERS OF THE JURY, ARE YOU A CITIZEN OF THE PEOPLE'S
3 REPUBLIC OF CHINA?

4 A. YES, I AM.

5 Q. AND ARE YOU CURRENTLY WORKING? DO YOU HAVE A
6 JOB IN CHINA?

7 A. YES.

8 Q. COULD YOU TELL THE MEMBERS OF THE JURY, WHAT IS
9 YOUR JOB?

10 A. MY JOB IS TO -- IS THE RESTORATION AND
11 PROTECTION, CONSERVATION OF TERRACOTTA WARRIORS.

12 Q. DO YOU WORK AT THE SITE OF THE TERRACOTTA ARMY?

13 A. YES.

14 Q. AND THIS IS THE SITE OF THE -- AROUND THE
15 MAUSOLEUM OF EMPEROR QIN SHI HUANG?

16 A. YES.

17 Q. AND DO YOU HAVE A JOB TITLE FOR YOUR JOB?

18 THE INTERPRETER: MAY THE INTERPRETER
19 HAVE JUST A MOMENT?

20 THE WITNESS: SO I AM THE DEPUTY DIRECTOR
21 OF A -- OF THE ARTIFACT CONSERVATION AND SCIENTIFIC
22 RESEARCH ORGANIZATION.

23 BY MS. NEWTON:

24 Q. CAN YOU TELL THE MEMBERS OF THE JURY, WHAT DOES
25 YOUR JOB INVOLVE?

1 A. SO MY JOB IS TO PROTECT AND RESTORE ARTIFACTS
2 THAT WERE EXCAVATED FROM THE MAUSOLEUM SITE OF THE QIN
3 SHI HUANG, AS WELL AS THE EXCAVATED TERRACOTTA OBJECTS,
4 LIKE WARRIORS, ET CETERA.

5 Q. NOW, BEFORE YOU HAD THIS JOB, DO YOU HAVE A
6 COLLEGE DEGREE?

7 A. SO I GRADUATED IN 1996 WITH A BACHELOR DEGREE IN
8 CHEMISTRY FORM --

9 THE INTERPRETER: MAY THE INTERPRETER
10 JUST ASK THE WITNESS FOR THE -- IF HE KNOWS THE ENGLISH
11 NAME FOR THE UNIVERSITY?

12 THE WITNESS: SO I GRADUATED FROM
13 SHANGHAI EAST NORMAL UNIVERSITY IN 1996, MAJORING IN
14 CHEMISTRY.

15 BY MS. NEWTON:

16 Q. AFTER YOU GRADUATED FROM THE UNIVERSITY, WHERE
17 DID YOU GO TO WORK?

18 A. I WENT TO THE TERRACOTTA WARRIOR MUSEUM AND
19 STARTED WORKING THERE.

20 Q. WHAT WAS YOUR FIRST JOB AT THE MUSEUM?

21 A. THE ARTIFACT PROTECTION AND THE RESTORATION JOB.

22 Q. DO YOU HAVE ANY AREA OF PARTICULAR EXPERTISE FOR
23 ARTIFACT RESTORATION?

24 A. SO MY JOB WAS MAINLY FOR PRESERVATION OF THE
25 COLOR ON THE TERRACOTTA WARRIORS, AS WELL AS THE

1 RESTORATION, PIECING TOGETHER THE PIECES. AND I ALSO DO
2 RESEARCH.

3 Q. WHEN YOU FIRST STARTED WITH THE TERRACOTTA
4 WARRIOR MUSEUM, WERE YOU WORKING AT A LABORATORY?

5 A. YES.

6 Q. THE LABORATORY THAT YOU WORKED AT, ARE THERE
7 OTHER LABORATORIES LIKE IT IN OTHER PLACES IN CHINA?

8 A. YES.

9 Q. WHEN YOU FIRST WENT TO WORK FOR THE TERRACOTTA
10 WARRIOR MUSEUM, CAN YOU DESCRIBE FOR THE JURY, WHAT WAS
11 THE FIRST JOB THAT YOU WERE ASSIGNED TO?

12 A. SO MY FIRST ASSIGNMENT WAS IN THE PIT NUMBER 2
13 WHERE THE TERRACOTTA WARRIOR WHICH WERE THE SHOOTERS IN
14 THE KNEELING POSITION, WERE EXCAVATED. I WAS TASKED IN
15 PUTTING TOGETHER THE FRAGMENTS, AS WELL AS SAMPLING THE
16 COLOR PIGMENTS ON THE FRAGMENTS FOR RESEARCH PURPOSE.

17 Q. WOULD ANOTHER NAME FOR THAT TYPE OF WARRIOR BE A
18 KNEELING ARCHER?

19 A. YES.

20 Q. COULD YOU DESCRIBE FOR THE JURY THE PROCESS THAT
21 YOU USED TO PUT TOGETHER THE FRAGMENTS OF THE KNEELING
22 ARCHER?

23 A. SO ON THE SITE THE ARCHAEOLOGIST WOULD EXCAVATE
24 THE FRAGMENTS AND THEY WOULD MAKE APPROPRIATE RECORDS.
25 AND THEY WOULD PUT THE PIECES, KIND OF PIECE THEM

1 TOGETHER LIKE A PUZZLE. AND THEN MY JOB WAS TO CLEAN
2 THE SURFACE OF THE FRAGMENTS AND THEN USING DIFFERENT
3 ADHESIVE TO PUT THE PIECES BACK TOGETHER.

4 Q. HOW DID YOU KNOW HOW TO FIT THE PIECES BACK
5 TOGETHER?

6 THE INTERPRETER: MAY THE INTERPRETER ASK
7 FOR CLARIFICATION?

8 THE WITNESS: SO THE PIECES WERE PIECED
9 TOGETHER BASED ON THE EDGES, HOW THEY APPEARED, AND THE
10 CRACKS, ET CETERA. SO USUALLY YOU CAN TELL THE PIECES
11 BELONG TOGETHER. AND THAT'S HOW WE TELL.

12 BY MS. NEWTON:

13 Q. AFTER YOU WORKED ON THE KNEELING ARCHER FROM PIT
14 2, DID YOU WORK ON ANY OTHER TERRACOTTA WARRIORS FROM
15 PIT 2?

16 A. YES.

17 Q. WHAT OTHER TYPES OF WARRIORS FROM PIT 2 DID YOU
18 YOURSELF WORK ON?

19 A. IT WOULD BE THE ARCHER IN THE STANDING POSITION.

20 Q. ANOTHER WAY OF SAYING THAT WOULD BE THE STANDING
21 ARCHER?

22 A. YES.

23 Q. HOW LONG DID YOU WORK IN THE AREA OF PIT 2?

24 A. FOR NEARLY FIVE YEARS.

25 Q. AND AFTER THOSE FIVE YEARS, WHERE DID YOU WORK

1 THEN?

2 A. SO THEN I WORK IN PIT NUMBER 1 TO DO THE
3 RESTORATION, AS WELL AS THE CONSERVATION.

4 Q. FROM 1996 UNTIL THE PRESENT, MR. RONG, CAN YOU
5 TELL THE JURY HOW MANY OF THE TERRACOTTA WARRIORS OR
6 FIGURES FROM EMPEROR QIN SHI HUANG'S MAUSOLEUM AREA HAVE
7 YOU WORKED ON?

8 A. FOR NEARLY -- NEARLY 40 OF THEM.

9 Q. NOW, I WOULD LIKE TO TALK TO YOU SPECIFICALLY
10 ABOUT THE CALVARYMAN, WHICH IS ACCESSION NUMBER 002531.

11 A. OKAY.

12 Q. AND IN APPROXIMATELY 2016 OR 2017, DID YOU HAVE
13 THE OPPORTUNITY TO DO AN EVALUATION OF THAT CALVARYMAN?

14 A. SO BEFORE THE TRANSPORTATION OF THE CALVARYMAN
15 TO THE UNITED STATES FOR THE TRAVELING EXHIBIT, I DID
16 PERFORM THE -- IN TERMS OF THE SAFETY EVALUATION.

17 Q. OKAY. WERE YOU ASKED TO PERFORM THE EVALUATION
18 ON THE CALVARYMAN BEFORE IT TRAVELED TO THE UNITED
19 STATES?

20 A. YES.

21 Q. AND CAN YOU TELL THE MEMBERS OF THE JURY, WHAT
22 WAS THE PROCESS? WHAT DID YOU DO FOR YOUR EVALUATION?

23 A. SO THE WORK MAINLY INVOLVE AND TO EVALUATE
24 WHETHER THE CALVARYMAN WAS APPROPRIATE FOR PACKAGING FOR
25 TRANSPORTATION AND FOR THE TRAVELING EXHIBIT OVERSEAS IN

1 THE UNITED STATES.

2 Q. WERE THERE SPECIFIC STEPS THAT YOU HAD TO TAKE
3 IN DOING YOUR EVALUATION?

4 A. SO WHEN WE CARRY OUT THE EVALUATION, WE DO LIKE
5 THREE ASPECTS. FIRST IS TO MAKE OBSERVATION OF THE
6 TERRACOTTA FIGURE.

7 Q. THAT WOULD BE A VISUAL OBSERVATION, YOU LOOKING
8 AT IT?

9 A. YES. NEXT, WE WOULD BE REVIEWING THE -- ANY
10 INFORMATION, ANY PICTURES, ANY RECORDS OF THE
11 CALVARYMAN.

12 Q. AND THE THIRD THING?

13 THE INTERPRETER: MAY THE INTERPRETER ASK
14 FOR CLARIFICATION?

15 THE WITNESS: AND THEN IN THE THIRD STEP,
16 WE WILL DO SOME TESTING OR INSPECTION OF THE CALVARYMAN,
17 WITH NOT PHYSICALLY TOUCHING IT.

18 BY MS. NEWTON:

19 Q. SO WHAT KIND OF TESTING COULD YOU DO WITHOUT
20 PHYSICALLY TOUCHING THE CALVARYMAN?

21 A. FOR EXAMPLE, USING THE ULTRASOUND TECHNOLOGY.

22 MS. NEWTON: YOUR HONOR, IF I MAY
23 APPROACH?

24 THE COURT: YES.

25 MS. NEWTON: YOUR HONOR, I HAVE HANDED

1 THE WITNESS WHAT WE ARE MARKING AS GOVERNMENT EXHIBIT 51
2 AND 57. I HAVE A COPY FOR THE COURT AND I HAVE PROVIDED
3 A COPY TO DEFENSE COUNSEL ALREADY.

4 BY MS. NEWTON:

5 Q. MR. RONG, I HAVE HANDED YOU SEVERAL OBJECTS
6 THERE. AND ONE OF THEM IS A SMALL -- IS A SMALL CARD.

7 DO YOU SEE THAT?

8 A. YES, I SEE.

9 Q. OKAY. DO YOU RECOGNIZE THAT CARD?

10 A. YES.

11 Q. WHAT IS IT?

12 A. IT'S AN INDEX CARD FROM THE MUSEUM FOR OUR
13 COLLECTION.

14 Q. AND IS THIS FOR ANY PARTICULAR OBJECT IN YOUR
15 COLLECTION?

16 A. YES. IT'S THE INDEX CARD FOR THE COLLECTION
17 ITEM 002531.

18 Q. AND WHAT IS -- LOOKING AT THE VERY BOTTOM OF
19 THIS CARD OR THE BACK OF THE CARD AT THE BOTTOM, WHAT IS
20 THE DATE THAT IS WRITTEN THERE?

21 A. SO THAT WOULD BE MARCH 2ND, 1993, THE DATE WHEN
22 THIS CARD WAS MADE.

23 Q. AND WHAT DOES THIS CARD TELL US, OR WHAT
24 INFORMATION IS ON THIS CARD?

25 A. SO THIS CARD STATES THAT THIS IS COLLECTION ITEM

1 002531. IT ALSO DESCRIBES THE ITEMS, WHAT DYNASTY IT
2 WAS FROM, THE NAME OF IT, HOW MANY AND THE -- WHAT CLASS
3 IT BELONGED TO, WHAT MATERIAL AND ITS SIZE AND THEN SOME
4 DESCRIPTION ABOUT THE ITEM.

5 MS. NEWTON: YOUR HONOR, THE GOVERNMENT
6 MOVES TO ADMIT GOVERNMENT EXHIBIT 51.

7 THE COURT: YES.

8 (GOVERNMENT EXHIBIT 51 ADMITTED INTO
9 EVIDENCE.)

10 MS. NEWTON: AND PERMISSION TO PUBLISH TO
11 THE JURY?

12 THE COURT: YES.

13 MS. NEWTON: SO THE JURY CAN NOW SEE THE
14 CARD.

15 BY MS. NEWTON:

16 Q. IF IT IS EASIER FOR YOU TO LOOK AT THE CARD,
17 MR. RONG, LOOK AT THE CARD, OR IF IT'S EASIER TO LOOK AT
18 THE SCREEN, LOOK AT THE SCREEN.

19 A. THANK YOU.

20 Q. OKAY?

21 A. YEAH.

22 Q. NOW, ON THE FIRST LINE, WE SEE A
23 NUMBER 002531-1. IS THAT THE NUMBER FOR THE CALVARYMAN?

24 A. YES.

25 Q. AND ON THE SECOND LINE AT THE LEFT-HAND SIDE,

1 DOES THAT INDICATE THE DYNASTY?

2 A. YES.

3 Q. WHAT DYNASTY IS THIS FROM?

4 A. QIN DYNASTY.

5 Q. AND THE NEXT ROW -- OR COLUMN OVER FROM THE
6 DYNASTY, WHAT DOES THAT INDICATE?

7 A. THE NAME.

8 Q. AND WHAT IS THE NAME OF THIS TERRACOTTA WARRIOR?

9 A. CALVARYMAN.

10 Q. DOES IT INDICATE -- IS THIS CARD, DOES IT
11 INDICATE IF THERE IS A CLASSIFICATION FOR THE
12 CALVARYMAN?

13 A. YES.

14 Q. WHAT IS THE CLASSIFICATION?

15 A. CLASS 1.

16 Q. WHAT DOES CLASS 1 MEAN?

17 A. SO THE CLASSIFICATION WAS BASED ON THE STANDARD
18 ESTABLISHED BY EXPERTS IN THE -- IN THE NATIONAL, THE
19 BUREAU WHICH IS -- WAS IN CHARGE OF THE ARTIFACTS. AND
20 SO THE CLASS 1 WOULD MEAN THAT IT'S A COMPLETE FIGURE;
21 IT HAS SCIENTIFIC VALUE; AND ALSO THE IMAGES, THE FIGURE
22 ITSELF, IS VERY VIVID.

23 Q. I AM LOOKING AT THE FOURTH ROW DOWN.

24 DOES THAT LINE INDICATE WHAT MATERIAL
25 THAT THE CALVARYMAN IS MADE OF?

1 A. YES.

2 Q. WHAT MATERIAL IS IT?

3 THE INTERPRETER: MAY THE INTERPRETER ASK
4 FOR CLARIFICATION?

5 THE WITNESS: A GRAY CLAY.

6 BY MS. NEWTON:

7 Q. AND ON THE NEXT ROW, DOES THAT INDICATE THE
8 DIMENSIONS OF THE CALVARYMAN?

9 A. YES, IT DOES SHOW THE DIMENSIONS OF THE
10 CALVARYMAN.

11 Q. HOW TALL IS THE CALVARYMAN?

12 A. 187 METER.

13 Q. WOULD THAT BE ABOUT THE HEIGHT OF A PERSON?

14 A. YES.

15 Q. AND THE ROW AFTER THAT, IS THAT THE CONDITION OR
16 THE STATUS OF THE CALVARYMAN?

17 A. YES.

18 Q. WHAT IS INDICATED ON THIS CARD ABOUT THE
19 CONDITION OF THE CALVARYMAN?

20 A. SO IT DESCRIBES THAT THE BUCKLES ON THE BENDS
21 SURROUNDING THE WAIST, MOST OF IT WAS KIND OF -- WAS
22 MISSING. THERE ARE FOUR -- ON THE LEFT HAND, FOUR
23 FINGERS, THERE IS SOME REPAIR SIGN.

24 Q. ON THE BIG BLOCK THAT WE SEE AT THE BOTTOM OF
25 THE -- ON THE FIRST SIDE OF THE CARD, WHAT -- WHAT DO WE

1 HAVE HERE?

2 A. IT'S A DESCRIPTION OF THIS CALVARYMAN.

3 Q. COULD YOU TELL THE JURY WHAT THAT DESCRIPTION
4 IS?

5 A. SURE. IT HAS A ROUND KIND OF SHAPED HEAD ON --
6 ON TOP WITH A KNEE-LENGTH ROBE, AND IT HAS THE ARMOR
7 THAT IS JUST VEST-SHAPED. AND THERE'S A BEND AROUND THE
8 WAIST. THE LONG ROBE, THE BOTTOM PART HAS A VERTICAL
9 KIND OF FOLDING LOOK. THE FIGURE HAS LONG PANTS ON, AND
10 IT HAS SHORT BOOTS. BOTH ARMS ARE HANGING DOWN
11 NATURALLY. THE RIGHT HAND HAS A FIST. THE LEFT HAND
12 WAS IN THE SHAPE OF HOLDING A BOWL.

13 Q. NOW, IF YOU CAN TURN OVER AND LOOK AT THE OTHER
14 SIDE OF THE CARD FOR ME, WHICH WOULD BE PAGE 2 OF
15 EXHIBIT 51.

16 LOOKING AT THE THIRD ROW ON THE BACK SIDE
17 OF THE CARD, CAN YOU TELL THE MEMBERS OF THE JURY WHAT
18 IS WRITTEN THERE?

19 A. IT WOULD DESCRIBE THE EXCAVATION SITE AND THE
20 DATE. SO IT SAYS 1977, IN SHAANXI LINTONG -- THAT'S THE
21 SITE -- AND PIT NUMBER 2.

22 Q. AND WAS THERE ANY INFORMATION THAT WAS ADDED TO
23 THIS CARD AFTER MARCH 2ND OF 1993?

24 A. YES.

25 Q. OKAY. AND IS THAT THE FIFTH ROW DOWN?

1 OR THE FOURTH ROW?

2 A. IT STATES THAT IN -- ON MAY 28, 1996, THE
3 APPRAISAL EVALUATION COMMITTEE OF THE STATE EVALUATED TO
4 BE CLASS 1 ARTIFACT.

5 Q. IS THERE ANY SPECIAL DESIGNATION OF WHAT THIS
6 CLASS 1 ARTIFACT MEANS?

7 A. SO THERE IS A STRICT STANDARD GUIDELINE AS TO
8 HOW ARTIFACTS ARE CLASSIFIED. SO IT WAS -- THE
9 CLASSIFICATION WAS CARRIED OUT BY EXPERTS BASED ON THAT
10 STANDARD GUIDELINE.

11 Q. OKAY. IS THE CALVARYMAN CONSIDERED TO BE AN
12 IMPORTANT TERRACOTTA WARRIOR IN CHINA?

13 A. OF COURSE.

14 Q. HOW IMPORTANT IS IT?

15 A. SO IT'S A VERY UNIQUE FIGURE, AND IT'S -- ALSO
16 REFLECTS THE HISTORICAL VALUE AS WELL AS SCIENTIFIC
17 VALUE OF THOSE ARTIFACTS IN QIN SHI HUANG'S MAUSOLEUM.

18 MS. NEWTON: YOUR HONOR, MAY I APPROACH?

19 THE COURT: YES.

20 BY MS. NEWTON:

21 Q. MR. RONG, I HAVE HANDED YOU WHAT HAS BEEN MARKED
22 AT THE BOTTOM AS GOVERNMENT EXHIBIT 52.

23 DO YOU SEE THAT?

24 A. YES.

25 Q. DO YOU RECOGNIZE THIS DOCUMENT?

1 A. YES.

2 Q. WHAT IS IT?

3 THE INTERPRETER: MAY THE INTERPRETER
4 JUST LOOK AT THE TITLE?

5 MS. NEWTON: YES.

6 THE WITNESS: SO IT STATES THAT IT'S THE
7 EXPERT PANEL FROM THE -- REGARDING THE EVALUATION OF
8 CLASS 1 HISTORIC ARTIFACTS.

9 BY MS. NEWTON:

10 Q. AND IS THIS A REPORT OR A DOCUMENT THAT WAS DONE
11 FOR EVALUATION OF ARTIFACTS, INCLUDING THE CALVARYMAN?

12 MS. HENRY: YOUR HONOR, MAY WE SEE YOU AT
13 SIDEBAR BRIEFLY?

14 THE COURT: YES.

15 MS. HENRY: THANK YOU.

16 (SIDEBAR.)

17 MS. HENRY: YOUR HONOR, GOVERNMENT
18 EXHIBIT 52 IS IN CHINESE. THE GOVERNMENT HAS GIVEN US A
19 COPY OF IT BUT NO TRANSLATION INTO ENGLISH. NOW, FOR
20 THE FIRST TIME, SHE IS GOING TO HAVE THIS WITNESS
21 TESTIFY ABOUT THE CONTENTS OF SOMETHING THAT'S NEVER
22 BEEN TRANSLATED INTO ENGLISH.

23 I LET IT GO WITH THE OTHER DOCUMENT, THE
24 CARD, THAT WAS NEVER TRANSLATED INTO ENGLISH; BUT IF SHE
25 HAS NOT GIVEN US THESE ENGLISH TRANSLATIONS AND THEN

1 IT'S NOT PROPER DISCOVERY AND NOW THE WITNESS IS GOING
2 TO TESTIFY AND READ OR TALK ABOUT THE CONTENTS OF
3 SOMETHING THAT WE CAN'T CHALLENGE BECAUSE THEY HAVE
4 NEVER GIVEN IT TO US IN ENGLISH, AND THEY JUST PROVIDED
5 IT TO US OVER THE WEEKEND.

6 MS. NEWTON: YOUR HONOR, WE DID PROVIDE
7 IT TO THEM LAST WEEKEND. THE CHINESE WITNESSES BROUGHT
8 THOSE DOCUMENTS WITH THEM, AND THEY ARE SIMPLY
9 TESTIFYING THESE ARE THE FACTS THAT ARE CONTAINED IN
10 THEM. THE ONLY THING HE IS GOING TO TESTIFY ABOUT THIS
11 IS THAT THIS CONTAINS THE STANDARDS THAT HE JUST
12 DESCRIBED. THAT'S ALL WE ARE GOING TO DO WITH THIS
13 DOCUMENT.

14 THE COURT: DO YOU -- DO WE HAVE ACCESS
15 TO THE INTERPRETER?

16 MS. NEWTON: NO -- WELL, CERTAINLY,
17 ABSOLUTELY.

18 MS. HENRY: I MET THE INTERPRETER IN
19 COURT. I MEAN, WE COULD TAKE A BREAK, AND THEY CAN
20 INTERPRET THE DOCUMENT.

21 THE COURT: THAT WAS GOING TO BE MY
22 SUGGESTION.

23 MS. HENRY: OKAY. I MEAN, I JUST DON'T
24 KNOW -- IF SHE IS JUST GOING TO TESTIFY -- AS LONG AS HE
25 IS NOT TESTIFYING TO WHAT IS IN THE REPORT. THAT THERE

1 IS A REPORT IS FINE, BUT TO TESTIFY TO THE CONTENTS OF
2 THE REPORT OR WHAT IT SAYS WOULD BE MY CONCERN.

3 THE COURT: IF IT GETS TO THE POINT WHERE
4 YOU FEEL AS IF YOU ARE AT A DISADVANTAGE, WE CAN BREAK
5 AND YOU CAN HAVE ACCESS WITH THE REPORT AND THE
6 INTERPRETER.

7 MS. HENRY: OKAY.

8 THE COURT: ALL RIGHT.

9 MS. HENRY: THANK YOU, YOUR HONOR.

10 (END SIDEBAR.)

11 BY MS. NEWTON:

12 Q. MR. RONG, IN THAT DOCUMENT THAT I PROVIDED TO
13 YOU, ARE THE STANDARDS THAT YOU HAD DESCRIBED FOR A
14 CLASS 1 RELIC LISTED IN THERE FOR A TERRACOTTA WARRIOR?

15 A. YES.

16 Q. AND COULD YOU READ FOR THE JURY WHAT THAT
17 STANDARD FOR CLASS 1 SAYS?

18 MS. NEWTON: MAY THE INTERPRETER JUST
19 SIGHT TRANSLATE FROM IT?

20 THANK YOU.

21 THE INTERPRETER: SO MR. RONG READ FROM
22 THE SEVENTH LINE, STARTING READING FROM THE SEVENTH
23 LINE. AND IT SAYS: TERRACOTTA WARRIOR, THE
24 HIGH-RANKING OFFICIAL FIGURE, BASICALLY COMPLETE, A
25 HIGH-RANKING OFFICIAL FIGURE AND AS WELL AS THE FIGURES

1 THAT WITH ACCURATE SHAPING, EVEN PROPORTION, VIVID
2 IMAGERY, COMPLETE FIGURES, REGULAR WARRIORS, THEY ARE
3 ALL CLASSIFIED AS CLASS 1 ARTIFACT.

4 BY MS. NEWTON:

5 Q. NOW, MR. RONG, ARE YOU FAMILIAR WITH WHAT A
6 CLASS 2 RELIC IS?

7 A. YES.

8 Q. OKAY. AND CAN YOU TELL THE MEMBERS OF THE JURY
9 WHAT WOULD CLASSIFY A TERRACOTTA WARRIOR AS A CLASS 2
10 RELIC?

11 A. SO TERRACOTTA FIGURES THAT HAS SOME DAMAGES,
12 SOME MISSING PARTS, BUT COMPLETE FIGURES -- OR WITH A
13 COMPLETE FIGURES BUT WITH A -- THE PROPORTIONS WERE NOT
14 IDEAL, THOSE ARE CLASSIFIED AS CLASS 2 ARTIFACTS.

15 Q. ARE THERE -- IS THERE ALSO A CLASS 3 FOR
16 ARTIFACTS?

17 A. YES.

18 Q. AND IS THERE A LOWER CLASS FOR ARTIFACTS AFTER
19 CLASS 3?

20 A. YES. THERE ARE UNGRADED, UNCLASSIFIED GRADE.

21 Q. NOW, YOU STATED EARLIER THAT WHEN YOU DID YOUR
22 EVALUATION, ONE OF THE OTHER THINGS THAT YOU DID WAS TO
23 CONSULT LITERATURE, CORRECT?

24 A. YES.

25 Q. I HAVE HANDED YOU A RED -- A BIG, LONG RED BOOK.

1 DO YOU SEE THAT?

2 A. YES.

3 Q. WAS THIS RED BOOK BROUGHT FROM CHINA WITH YOU TO
4 THE UNITED STATES?

5 A. YES.

6 Q. WHAT IS THIS BOOK?

7 A. IT'S THE REGISTRY OF THE COLLECTION OF THE
8 MUSEUM.

9 Q. AND IS THE CALVARYMAN NUMBER 002531 CONTAINED IN
10 THAT REGISTRY?

11 A. YES.

12 Q. WHAT TYPE OF INFORMATION ABOUT THE CALVARYMAN IS
13 CONTAINED IN THE REGISTRY?

14 A. SO IT'S ON PAGE 149.

15 Q. CAN YOU TELL THE MEMBERS OF THE JURY WHAT IS THE
16 TYPE OF INFORMATION THAT IS LISTED FOR THE CALVARYMAN ON
17 THAT PAGE?

18 A. THE LAST ROW ON THIS PAGE CONTAINS INFORMATION
19 ABOUT THE CALVARYMAN.

20 Q. AND IS IT THE SAME TYPE OF INFORMATION THAT IS
21 CONTAINED ON THE CARD WHICH WE MARKED AS GOVERNMENT
22 EXHIBIT 51?

23 A. YES, THE SAME.

24 Q. DID YOU ALSO REVIEW ANY LITERATURE IN DOING YOUR
25 EVALUATION OF THE CALVARYMAN TO DETERMINE IF IT WAS

1 SUITABLE FOR TRAVEL?

2 A. YES.

3 Q. AND THERE'S A BOOK ON THE -- A SMALLER BOOK,
4 LIKE A TAN BOOK ON THE DESK IN FRONT OF YOU, WHICH THE
5 GOVERNMENT HAS MARKED AS GOVERNMENT EXHIBIT 56, THAT WE
6 MARKED THE FIRST CHAPTER AS 56.

7 DO YOU RECOGNIZE THAT BOOK?

8 A. YES, I DO.

9 Q. WHAT IS THIS BOOK?

10 A. IT'S A VERY AUTHORITATIVE JOURNAL.

11 Q. AND IS THERE ANY -- THE FIRST CHAPTER OF THIS
12 BOOK, WHAT IS THE FIRST CHAPTER ABOUT?

13 A. SO IT'S A SUMMARY REPORT REGARDING PIT NUMBER 2,
14 THE EXCAVATION AND RESEARCH OF PIT NUMBER 2. SO
15 TERRACOTTA WARRIOR THAT WAS LOCATED ON THE EAST SIDE OF
16 THE QIN SHI HUANG MAUSOLEUM.

17 Q. AND IS THERE A PHOTOGRAPH OF CALVARYMAN NUMBER
18 002531 IN THAT BOOK?

19 A. YES.

20 Q. AFTER DOING YOUR EVALUATION, MR. RONG, WHAT
21 CONCLUSION DID YOU REACH ABOUT THE CALVARYMAN TRAVELING
22 TO THE UNITED STATES?

23 A. SO AFTER THE EVALUATION, WE DETERMINE THAT THIS
24 CALVARYMAN WAS SAFE ENOUGH -- WAS APPROPRIATE ENOUGH
25 WITHOUT DAMAGE, WAS APPROPRIATE FOR PACKAGING AND

1 SHIPPING TO THE UNITED STATES FOR THE TRAVELING EXHIBIT.

2 Q. NOW, AFTER THAT EVALUATION, DID YOU LATER COME
3 TO THE UNITED STATES, TO PHILADELPHIA, BEFORE THIS TIME
4 IN 2018?

5 A. SO IN MARCH, 2018, I MYSELF AND A COLLEAGUE CAME
6 TO THE MUSEUM IN PHILADELPHIA.

7 Q. WHY DID YOU -- DID YOU COME TO THE FRANKLIN
8 INSTITUTE?

9 A. YES.

10 Q. WHY DID YOU MAKE THAT TRIP TO THE FRANKLIN
11 INSTITUTE?

12 A. BECAUSE WE LEARNED THAT THE THUMB OF THE
13 CALVARYMAN WAS DAMAGED AND WE WERE NEEDED FOR THE
14 INVESTIGATION.

15 Q. DID YOU EXAMINE THE CALVARYMAN AND THE THUMB OF
16 THE CALVARYMAN WHEN YOU CAME TO PHILADELPHIA IN MARCH OF
17 2018?

18 A. YES. WE WENT TO THE EXHIBIT HALL AS WELL AS A
19 SMALL STORAGE AREA WHERE THE BROKEN THUMB WAS STORED.
20 YES, WE SAW THE CALVARYMAN AS WELL AS THE BROKEN THUMB.

21 Q. DID YOU DO ANY EVALUATION OF THE CALVARYMAN OR
22 THE CALVARYMAN THUMB WHEN YOU WERE HERE IN MARCH OF
23 2018?

24 A. WE WERE VERY SHOCKED. WE SAW THAT THE THUMB WAS
25 BROKEN OFF AND THE DAMAGE WAS PRETTY SIGNIFICANT.

1 Q. WERE YOU ABLE TO DETERMINE, LOOKING AT THAT
2 THUMB THAT YOU SAW, THAT THAT WAS THE THUMB OF THE
3 TERRACOTTA WARRIOR, OF THIS CALVARYMAN?

4 A. YES, AFTER WE MATCHED IT TOGETHER, WE BELIEVE
5 THAT IT BELONGS TO THE CALVARYMAN.

6 Q. THE CALVARYMAN THUMB THAT YOU EXAMINED, IS THAT
7 A THUMB THAT IS MADE FROM A MOLD?

8 A. NO.

9 Q. CAN YOU DESCRIBE FOR THE JURY HOW THE CALVARYMAN
10 THUMB IS MADE?

11 A. SO ALL THE TERRACOTTA WARRIORS WERE -- THE
12 MATERIAL WERE HARNESSSED FROM THE SITE NEAR THE MAUSOLEUM
13 AND IT WAS MADE, YOU KNOW. AND THEN WE HAVE NOT FOUND
14 ANY MOLD FOR THAT. SO THEY WERE ALL HAND MADE.

15 Q. IF A TERRACOTTA WARRIOR WAS MISSING, FOR
16 EXAMPLE, A THUMB, WOULD THE RESTORERS OR THE
17 CONSERVATIONIST BE ABLE TO BE PERMITTED TO MAKE A
18 REPLICA THUMB, A FAKE THUMB AND PUT IT ON THE WARRIOR?

19 A. ABSOLUTELY NOT.

20 Q. WHY NOT?

21 A. BECAUSE IT'S BASED ON THE PEOPLE'S REPUBLIC OF
22 CHINA'S CONSERVATION OF HISTORIC ARTIFACT. THE ARTIFACT
23 MUST BE AUTHENTIC. IT MUST -- YOU KNOW, CAME FROM THE
24 PAST AND IT CARRIES HISTORIC VALUE.

25 Q. HAVE YOU -- SINCE YOU RETURNED TO CHINA AFTER

1 SEEING THE TERRACOTTA THUMB AND THE CALVARYMAN HERE IN
2 PHILADELPHIA, HAS THE CALVARYMAN AND THE
3 TERRACOTTA -- THE THUMB FROM THE CALVARYMAN BEEN
4 RETURNED TO CHINA?

5 THE INTERPRETER: I'M SORRY. MAY THE
6 INTERPRETER ASK --

7 MS. NEWTON: YES. YES. I WILL REPEAT
8 THE QUESTION. IT WAS A VERY LONG-WINDED QUESTION.
9 BY MS. NEWTON:

10 Q. SINCE -- AFTER MARCH OF 2018, DID THE CALVARYMAN
11 AND THE CAVALRYMAN THUMB RETURN TO CHINA?

12 A. YES, THEY WERE RETURNED.

13 Q. OKAY. AND SINCE THAT TIME, HAVE YOU BEEN
14 INVOLVED IN ANY EFFORTS WITH RESPECT TO RESTORATION OR
15 REPAIR OF THE CAVALRYMAN THUMB TO THE CALVARYMAN?

16 A. SO SINCE THE RETURN OF THE CALVARYMAN AND THE
17 THUMB BACK TO THE MUSEUM, MY TEAM AND I HAVE BEEN
18 PLANNING THE RESTORATION OF THE THUMB.

19 Q. OKAY.

20 A. AND THE CALVARYMAN.

21 Q. IN THE PLANNING OF THAT RESTORATION, ARE THERE
22 STANDARDS THAT YOU ARE REQUIRED TO USE?

23 A. YES, THAT'S A MUST.

24 Q. AND ARE THOSE STANDARDS CONTAINED IN ANY
25 DOCUMENTS OR BOOKS?

1 FOR CLARIFICATION?

2 THE WITNESS: SO IT STATES THAT THE
3 MOVEABLE ARTIFACTS THERE, THE EVALUATIONS OF THE DAMAGES
4 ON MOVEABLE ARTIFACTS, THE TECHNICAL PROCEDURES AND
5 STANDARDS REGARDING CLAY MATERIAL ARTIFACTS, ANCIENT
6 POTTERY.

7 BY MS. NEWTON:

8 Q. WHAT YOU JUST LOOKED AT, THAT SMALLER BOOK WITH
9 THE BLUE WRITING, IS THAT LIKE AN AMENDMENT TO THE
10 STANDARDS THAT WE JUST TALKED ABOUT?

11 A. YES, PART OF THE AMENDMENT.

12 Q. AND THE THIRD BOOK THAT I HAVE HANDED YOU, THAT
13 WE HAVE MARKED THE COVER PAGE AS GOVERNMENT EXHIBIT 60,
14 ON THE COVER PAGE WE SEE THE NUMBER 002531 ON THE THIRD
15 LINE.

16 DO YOU RECOGNIZE THIS BOOK?

17 A. YES.

18 Q. WHAT IS THIS BOOK?

19 A. SO THIS IS THE PROPOSAL -- THE RESTORATION
20 PROPOSAL THAT WE HAVE DRAFTED FOR THE RESTORATION AND
21 PROTECTION OF THIS DAMAGED CALVARYMAN.

22 Q. WHAT TYPES OF INFORMATION DO YOU HAVE TO INCLUDE
23 IN THAT PROPOSAL?

24 A. SO IN THE PROPOSAL IT WOULD BE INCLUDED THE
25 STEPS THAT WE WOULD TAKE FOR THE RESTORATIONS OF THE

1 DAMAGED ARTIFACT, THE WORK FLOW CHARTS, AS WELL AS THE
2 ESTIMATED COST FOR THE RESTORATION WORK. ALL BASED ON
3 THE STANDARDS AND FORMATS PUBLISHED FOR THE ARTIFACT
4 PROTECTION.

5 Q. WHO WAS THAT PROPOSAL SUBMITTED TO?

6 A. WE WOULD HAVE TO SUBMIT IT TO THE STATE'S
7 ARTIFACT BUREAU.

8 Q. HAS IT BEEN SUBMITTED YET?

9 A. YES.

10 Q. HAS IT BEEN APPROVED YET?

11 A. NOT YET.

12 Q. OKAY. IF THE -- YOUR PROPOSAL IS APPROVED AND
13 YOU ARE ABLE TO DO THE WORK TO RESTORE OR REPAIR THE
14 CAVALRYMAN THUMB TO THE CALVARYMAN, WILL THERE HAVE TO
15 BE ANY REEVALUATION OF THE CALVARYMAN'S STATUS AS A
16 RELIC?

17 A. I BELIEVE SO.

18 Q. CAN YOU TELL THE MEMBERS OF THE JURY, WHAT
19 ARE -- ARE THERE ANY REASONS WHY A CLASS ONE RELIC, SUCH
20 AS THE CALVARYMAN, WOULD NOT BE PERMITTED TO TRAVEL TO
21 AN EXHIBITION OUTSIDE OF CHINA?

22 A. SO THE STATE ARTIFACT BUREAU HAS A LIST THAT
23 LISTS ALL OF THE ARTIFACTS THAT ARE PROHIBITED FROM
24 GOING OVERSEAS FOR EXHIBITION. BUT OTHER THAN THAT
25 LIST, ALL OF THE ARTIFACTS ARE ALLOWED TO BE, YOU KNOW,

1 ON TRAVELING EXHIBITS TO OVERSEAS. BUT PRIOR TO THEM
2 BEING SENT OVERSEAS, ONE HAS TO DO A VALUATION AS TO THE
3 CONDITION TO THE ITEMS TO SEE WHETHER THEY ARE
4 APPROPRIATE FOR PACKAGING AND FOR TRANSPORTATION FOR ANY
5 TRAVELING EXHIBITS.

6 Q. MR. RONG, HAS THE CALVARYMAN NUMBER 002531 BEEN
7 DESIGNATED AS A NATIONAL TREASURE OF CHINA?

8 A. YES, IT'S ON THE BACK OF THE CARD UNDER THE
9 APPRAISAL ITEM -- THE EVALUATION ITEM. IT STATES THAT
10 IT HAS BEEN APPRAISED AND EVALUATED AS A NATIONAL
11 TREASURE.

12 MS. NEWTON: YOUR HONOR, NO FURTHER
13 QUESTIONS.

14 THE COURT: CROSS-EXAMINE.

15 MS. HENRY: THANK YOU.

16 CROSS EXAMINATION

17 BY MS. HENRY:

18 Q. GOOD MORNING.

19 A. GOOD MORNING.

20 Q. SO IN YOUR POSITION AND IN YOUR EXPERIENCE
21 WORKING IN RESTORATION, YOU DO RESTORATION AND YOU HAVE
22 ALSO REPAIRED TERRACOTTA WARRIORS THAT HAVE BEEN
23 RESTORED, YES?

24 A. WE DON'T DO REPAIRS, WE ONLY DO RESTORATION.

25 Q. OKAY. AND WHEN YOU TALKED ABOUT RESTORATION,

1 YOU SAID THAT YOU WOULD CLEAN THE SURFACE AND USE
2 ADHESIVE TO PUT THE PIECES TOGETHER?

3 A. YES.

4 Q. OKAY. AND SPECIFICALLY WHEN YOU WERE TALKING
5 ABOUT THE CARD THAT WAS FOR 2531, YOU SAID THAT THE CARD
6 SAID THAT THE LEFT HAND HAD FOUR FINGERS THAT WERE
7 REPLACED?

8 A. NO. IT DIDN'T SAY IT WAS REPLACED. THE CHINESE
9 STATED THAT THE LEFT HAND SIDE SHOWS -- THE LEFT HAND
10 FINGERS SHOW SIGN OF REPAIR.

11 Q. OKAY. YOU SAID THAT YOU DON'T DO REPAIR?

12 A. WE DO --

13 THE INTERPRETER: SORRY. IT DOES SAY
14 RESTORATION ON THE CHINESE CARD.

15 MS. HENRY: OKAY.

16 THE INTERPRETER: THE INTERPRETER'S
17 MISTAKE.

18 MS. HENRY: OKAY.

19 BY MS. HENRY:

20 Q. BUT THAT MEANS -- WHETHER YOU CALL IT
21 RESTORATION, IT'S REATTACHING. IT'S PUTTING SOMETHING
22 BACK ON?

23 A. YES, ADHERE THEM BACK TOGETHER.

24 Q. SO WHEN THIS WAS FOUND IN 1977, THE FINGERS
25 WEREN'T ATTACHED TO THE BODY?

1 A. SO IT WOULD BE UP TO THE ARCHAEOLOGIST TO
2 DESCRIBE WHAT THEY FOUND ON SITE.

3 Q. OKAY. SO YOU DON'T KNOW -- THAT MEANS YOU DON'T
4 KNOW IF THE FINGERS WERE FOUND ATTACHED TO THE
5 CALVARYMAN WHEN IT WAS EXCAVATED?

6 A. THAT'S RIGHT.

7 Q. OKAY. NOW, YOU SAID YOU CAME TO PHILADELPHIA IN
8 MARCH OF 2018, YES?

9 A. YES.

10 Q. NOW, WHEN DID THE FRANKLIN INSTITUTE TELL YOU
11 ABOUT THIS SITUATION WITH THE THUMB OF THE TERRACOTTA
12 WARRIOR?

13 A. WE LEARNED ABOUT IT FROM MR. WU HAIYUN, WHO WAS
14 THE -- WHO WORKED AT THE SHAANXI PROMOTIONAL CENTER, AND
15 I AM SURE THAT HE GOT THE INFORMATION SOONER THAN WE
16 DID.

17 Q. WHEN DID YOU GET THE INFORMATION?

18 A. THE END OF FEBRUARY.

19 Q. YOU ALSO -- AS PART OF THIS EXHIBIT, THE LEG OF
20 ONE OF THE HORSES BROKE OFF, RIGHT?

21 A. YES, I HEARD ABOUT IT.

22 Q. OKAY. AND THAT ALSO CAME BACK TO CHINA TO BE
23 RESTORED, RIGHT?

24 A. YES. IT HAS TO BE RESTORED, AND IT'S BEING
25 CARRIED OUT BY ANOTHER PROJECT TEAM.

1 Q. BUT THE SAME PROPOSAL AND THE SAME PROCEDURES,
2 ALL OF CHINA'S PROCEDURES WILL BE DEALT WITH THE SAME
3 WAY FOR THE LEG OF THE HORSE, RIGHT?

4 A. I BELIEVE THAT THE STEP OF THE RESTORATION WILL
5 FOLLOW THE SAME STANDARD AND THE PROCESS, BUT BECAUSE I
6 AM NOT PERSONALLY INVOLVED IN THE RESTORATION OF THE
7 BROKEN HORSE LEG, SO I CANNOT, YOU KNOW, TELL YOU --
8 GIVE YOU ANY, YOU KNOW, SCIENTIFIC EVALUATION.

9 Q. OKAY.

10 MS. HENRY: THANK YOU. I HAVE NO FURTHER
11 QUESTIONS.

12 THE COURT: ANY FURTHER QUESTIONS?

13 MS. NEWTON: NO REDIRECT, YOUR HONOR.

14 THE COURT: OKAY, YOU MAY STEP DOWN.

15 THANK YOU.

16 (WITNESS EXCUSED.)

17 THE COURT: WE ARE GOING TO TAKE A
18 RECESS.

19 DEPUTY CLERK: ALL RISE.

20 (JURY OUT.)

21 THE COURT: OKAY. WE WILL TAKE A
22 TEN-MINUTE RECESS.

23 (RECESS TAKEN.)

24 THE COURT: OKAY. ARE WE READY FOR THE
25 JURY?